

ASSEMBLY BILL

No. 2760

Introduced by Assembly Member Mathis

February 19, 2016

An act to add Section 1941.7 to the Civil Code, and to amend Section 30851 of the Food and Agricultural Code, relating to support animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2760, as introduced, Mathis. Landlord and tenant: support animals.

Existing law regulates the relationship between landlord and tenant and the terms and conditions of tenancies.

This bill would authorize a tenant to maintain a support animal, as defined, on the property if specified conditions are met. This bill would authorize a tenancy to be terminated or a tenant to be denied accommodations on the property for having a support animal if specified conditions apply. This bill would authorize the landlord to require tenants with support animals to adhere to all standards that are imposed uniformly on all tenants and to include the payment of an extra charge or security deposit for maintaining a support animal on the property. This bill would prohibit a tenant from maintaining any protected species, venomous reptiles, amphibians or insects, or any other illegal species as a support animal.

Existing law requires the owners of assistance dogs to comply with all state and local ordinances regarding health and licensure requirements.

This bill would expand that requirement by also making it applicable to support animals.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1941.7 is added to the Civil Code, to
2 read:
3 1941.7. (a) A tenant may maintain a support animal on the
4 property if both of the following conditions are met:
5 (1) The tenant has obtained a prescription validating the need
6 for the support animal from a California–licensed mental health
7 care professional that may be verified by the landlord.
8 (2) The tenant complies with all federal, state, and local
9 requirements, including, but not limited to, local licensing
10 requirements and limitations on the number of animals maintained
11 on the property.
12 (b) A tenancy may be terminated or a tenant may be denied
13 accommodations on the property for having a support animal if
14 any of the following apply:
15 (1) The support animal was brought on the property without
16 notice to the landlord.
17 (2) The support animal is not house broken.
18 (3) The support animal creates a financial hardship on the real
19 property owner.
20 (4) The support animal jeopardizes the availability of property
21 insurance.
22 (5) The support animal poses a threat to other tenants or the
23 property.
24 (c) The landlord may do both of the following:
25 (1) Require tenants with support animals to adhere to all
26 standards that are imposed uniformly on all tenants.
27 (2) Include the payment of an extra charge or security deposit
28 for maintaining a support animal on the property.
29 (d) A tenant shall not maintain any state or federally protected
30 species, venomous reptiles, amphibians or insects, or any other
31 illegal species as a support animal.
32 (e) For purposes of this section, both of the following definitions
33 shall apply:
34 (1) “Prescription” has the same meaning as that term is defined
35 in Section 4040 of Business and Professions Code.

1 (2) “Support animal” includes a support dog, companion animal,
2 emotional support animal, or assistive animal. A support animal
3 does not include a guide dog, signal dog, or service dog as defined
4 in subparagraph (C) of paragraph (6) of subdivision (b) of Section
5 54.1.

6 SEC. 2. Section 30851 of the Food and Agricultural Code is
7 amended to read:

8 30851. (a) The owners of assistance dogs *and support animals*
9 shall comply with all state and local ordinances regarding health
10 and licensure ~~requirements for dogs.~~ *requirements.*

11 (b) *For purposes of this section, “support animal” has the same*
12 *meaning as that term is defined in Section 1941.7 of the Civil Code.*